UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,460	02/28/2000	Neta Amit	1018.073US1	8502

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EXAMINER
BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
2143	

16

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/514,460	AMIT ET AL.
	Examiner	Art Unit
	Alina N Boutah	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 January 2004_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-9,17-19 and 22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-9,17-19 and 22_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☒ The proposed drawing correction filed on _09 January 2004_ is: a) ☒ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _11_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment received January 9, 2004. Claims

10-16 and 20-21 have been cancelled. Claim 22 has been newly added. Claims 1-9, 17-19, and

22 are pending in the present application.

Drawings

The replacement drawing was received on January 9, 2004. This drawing is acceptable.

Claim Rejections - 35 USC § 112

Due to Applicant's amendment, the 35 U.S.C. 112, second paragraph rejections are now

withdrawn.

Double Patenting

Claim 22 is objected to under 37 CFR 1.75 as being a substantial duplicate of amended

claim 1. When two claims in an application are duplicates or else are so close in content that

they both cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP

§ 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 17-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

USPN 6,058,389 issued to Chandra et al. (hereby Chandra) in view of USPN 6,094,694 issued to

Hickson et al. (hereby Hickson) in further view of USPN 6,282,565 issued to Shaw et al. (hereby

Shaw).

(Amended) Regarding claim 1, Chandra teaches a computer-implemented method

comprising:

at a sender, in a sender transaction: receiving a message from a sender queue (Abstract);

generating an identifier and an expiration time for the message (col. 8, lines 60-66); and saving

the identifier, the expiration time, and the message in a sender database (col. 8, line 66 to col. 9,

line 2).

Chandra fails to teach sending the identifier, the expiration time, and the message from

the sender to a receiver; at the receiver, in a receiver transaction: receiving the identifier, the

expiration time, and the message from a receiver queue; determining whether the message has

been expired based on the expiration time for the message; and upon determining that the

message has not expired: determining whether the message is present in a receiver database, by

the identifier therefore; upon determining that the message is not present in the receiver database:

saving the identifier, the expiration time, and the message in the receiver database; and, performing actions associated with the message.

Although Hickson does not explicitly teach sending an identifier, an expiration time, and a message at a sender, Hickson teaches receiving the expiration time, and the message from a receiver queue (Abstract; col. 2, line 58 to col. 3, line 9; col. 4, lines 33-39) and in order for the receiver to receive the message and its components, it must be sent by a sender. Also, although Hickson does not expressly teach receiving the identifier, it is well known in the art that in a conventional computer system, all messages have some kind of identifier.

Hickson also teaches determining whether the message has been expired based on the expiration time for the message (col. 3, lines 42-43; Abstract).

Both Chandra and Hickson fail to explicitly teach upon determining that the message has not expired: determining whether the message is present in a receiver database, by the identifier therefore; upon determining that the message is not present in the receiver database: saving the identifier, the expiration time, and the message in the receiver database; and, performing actions associated with the message.

Shaw teaches upon determining that the message has not expired: determining whether the message is present in a receiver database, by the identifier therefore (col. 12, lines 26-32 and 38-46); upon determining that the message is not present in the receiver database: saving the identifier, the expiration time, and the message in the receiver database; and, performing actions associated with the message (col. 12, lines 26-46).

At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teaching of Chandra, Hickson, and Shaw in order to provide a

messaging system that quickly and efficiently determines whether a message is expired and

saving it in the receiver if it is not yet expired in order to prevent unwanted (expired) message

from taking up space in the receiver's database, thus ensuring the system's efficiency.

Regarding claim 2, Chandra fails to teach the method of claim 1, further comprising, at

the receiver, in the receiver transaction: otherwise, upon determining that the message is present

in the receiver database, discarding the message; and otherwise, upon determining that the

message has expired, discarding the message. Hickson teaches at the receiver, in the receiver

transaction: otherwise, upon determining that the message is present in the receiver database,

discarding the message (col. 2, lines 31-39; line 58 to col. 3, line 9); and otherwise, upon

determining that the message has expired, discarding the message (col. 2, lines 31-39; line 58 to

col. 3, line 9). At the time the invention was made, one of ordinary skill in the art would have

been motivated to combine the teaching of Chandra, and Hickson in order to provide a

messaging system that quickly and efficiently determines whether a message is expired in order

to prevent unwanted (expired) message from taking up space in the receiver's database, thus

ensuring the system's efficiency.

Regarding claim 3, Chandra fails to teach the method of claim 1, further comprising

sending an acknowledgement message from the receiver to the sender that corresponds to the

message. Shaw teaches sending an acknowledgement message from the receiver to the sender

that corresponds to the message (col. 3, lines 47-52). At the time the invention was made, one of

ordinary skill in the art would have been motivated to send an acknowledgment message from

the receiver to the sender that corresponds to the message in order to let the sender know that it

has received the message, therefore preventing the sender to send the same message again.

Regarding claim 4, Chandra fails to teach the method of claim 3, further comprising, at

the sender, in a second sender transaction: receiving the acknowledgement message; and,

deleting the message in the sender database that corresponds to the acknowledgement message,

including the identifier and the expiration time for the message. Shaw teaches at the sender, in a

second sender transaction: receiving the acknowledgement message (col. 3, lines 47-52); and,

deleting the message in the sender database that corresponds to the acknowledgement message,

including the identifier and the expiration time for the message (col. 12, lines 3-25). At the time

the invention was made, one of ordinary skill in the art would have been motivated to combine

the teaching of Chandra and Shaw by receiving an acknowledgement message and deleting the

corresponding message in the database in order to prevent unwanted message from taking up

space in the sender's database, thus ensuring the system's efficiency.

Regarding claim 5, Chandra fails to teach the method of claim 1, further comprising, at

the sender, deleting the message from the sender database when the expiration time has been

reached. Hickson teaches deleting a message when the expiration time has been reached (col. 2,

lines 20-35). Although Hickson does not expressly teach the deletion of a message in the sender

database, it would have been obvious to delete the expired message for the same reason. At the

time the invention was made, one of ordinary skill in the art would have been motivated to

incorporate the teaching of Hickson into the teaching of Chandra in order to provide a messaging

system that quickly and efficiently determines whether a message is expired in order to prevent

unwanted (expired) message from taking up space in the receiver's database, thus ensuring the

system's efficiency.

Regarding claim 6, Chandra fails to teach the method of claim 5, wherein deleting the

message from the sender database comprises deleting the message by a scavenger thread of the

sender. Hickson teaches deleting a message when the expiration time has been reached (col. 2,

lines 20-35). Although Hickson does not expressly teach the deletion of a message in the sender

database, it would have been obvious to delete the expired message for the same reason. At the

time the invention was made, one of ordinary skill in the art would have been motivated to

incorporate the teaching of Hickson into the teaching of Chandra in order to provide a messaging

system that quickly and efficiently determines whether a message is expired in order to prevent

unwanted (expired) message from taking up space in the receiver's database, thus ensuring the

system's efficiency.

Regarding claim 7, Chandra fails to teach the method of claim 1, further comprising, at

the receiver, deleting the message from the receiver database when the expiration time has been

reached. Hickson teaches deleting a message when the expiration time has been reached (col. 2,

lines 20-35). At the time the invention was made, one of ordinary skill in the art would have been

motivated to incorporate the teaching of Hickson into the teaching of Chandra in order to provide

a messaging system that quickly and efficiently determines whether a message is expired in order

to prevent unwanted (expired) message from taking up space in the receiver's database, thus

ensuring the system's efficiency.

Regarding claim 8, Chandra fails to teach the method of claim 7, wherein deleting the

message from the receiver database comprises deleting the message by a scavenger thread of the

receiver. Hickson teaches deleting a message when the expiration time has been reached (col. 2,

lines 20-35). At the time the invention was made, one of ordinary skill in the art would have been

motivated to incorporate the teaching of Hickson into the teaching of Chandra in order to provide

a messaging system that quickly and efficiently determines whether a message is expired in order

to prevent unwanted (expired) message from taking up space in the receiver's database, thus

ensuring the system's efficiency.

Regarding claim 9, Chandra fails to teach the method of claim 1, wherein the message

comprises an express, non-transactional message. Hickson teaches the message comprising an

express non-transactional message (abstract). At the time the invention was made, one of

ordinary skill in the art would have been motivated to employ a non-transactional message in

order to allow the message to be delivered by selecting the most efficient protocol that is

available, thus making the system more efficient.

Claims 17 and 22 have similar limitation as claim 1, therefore is being rejected under the

same rationale.

Regarding claim 18, Chandra teaches the system of claim 17, wherein the sender further

comprises a computer-readable medium and a processor, such that the first computer program is

executed by the processor from the medium (figure 1).

Regarding claim 19, Chandra teaches the system of claim 17, wherein the receiver further

comprises a computer-readable medium and a processor, such that the first computer program is

executed by the processor from the medium (figure 1).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. In response

to applicant's argument that there is no suggestion to combine the references, the examiner

recognizes that obviousness can only be established by combining or modifying the teachings of

the prior art to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The

examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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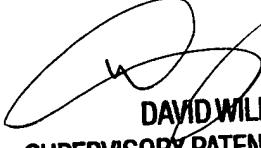
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